

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>FINAL ORDER OF</u>
	:	<u>FORFEITURE</u>
-v.-	:	
	:	13 Cr. 340 (RJS)
THOMAS DONAHUE,	:	
	:	
Defendant.	:	
	:	
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On or about November 22, 2022, the Court entered a Preliminary Order of Forfeiture of Substitute Assets (the “Preliminary Order of Forfeiture”) (Doc. No. 435), which ordered the forfeiture to the United States of all right, title and interest of THOMAS DONAHUE (the “defendant”) in the following properties:

- a. \$375.00 in United States currency, which was seized on or about April 15, 2013 from the Defendant at the time of his arrest;
- b. \$1,020.00 in United States currency, which was seized on or about April 15, 2013 from storage unit 1143, at 47-32 32nd Place, Long Island City, New York; and
- c. One Gentleman’s Tag Heuer “Aquaracer” Chronotimer, stainless steel model #CAF1010, which was seized on or about April 15, 2013 from the Defendant at the time of his arrest;

(a. through c., collectively, the “Substitute Assets”).

The Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Substitute Assets, and the requirement that any person asserting a legal interest in the Substitute Assets must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide

direct written notice to any person known to have an alleged interest in the Substitute Assets and as a substitute for published notice as to those persons so notified.

The provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the government's intent to dispose of the Substitute Assets before the United States can obtain clear title to the Substitute Assets. Accordingly, beginning on December 28, 2022, for thirty (30) consecutive days, through January 26, 2023, the government posted a Notice of Forfeiture and Intent of the United States to Dispose of the Substitute Assets on an official government internet site (www.forfeiture.gov), pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions. Proof of such publication was filed with the Clerk of the Court on March 2, 2023. (Doc. No. 442.)

Therefore, because: (1) thirty (30) days have expired since final publication of the Notice of Forfeiture, and no petitions or claims to contest the forfeiture of the Substitute Assets have been filed; (2) the Defendant is the only person and/or entity known by the government to have a potential interest in the Substitute Assets; and (3) pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2),

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Substitute Assets is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Assets.

3. The United States Marshals Service (or its designee) shall take possession of the Substitute Assets and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
March 22, 2023

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

HONORABLE RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
SITTING BY DESIGNATION